

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE FOURTEENTH DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE B.SESHASAYANA REDDY

WRIT PETITION NO : 1311 of 2005

Between:

Aided Upper Primary School, Velgode, Kurnool District, rep., by its
Correspondent Ch.B.J.Raju, s/o Ch.John,
R/o Velgode, Kurnool District.

..... PETITIONER

AND

- 1 The District Educational officer, Kurnool.
- 2 The Regional Joint Director, School Education, Kadapa.
- 3 The Commissioner and Director of School, A.P., Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an appropriate writ, order or direction, more particularly one in the nature of writ of mandamus, to declare the impugned action of the 1st respondent in not granting permission to the petitioner institution to fill up the vacant post of second Grade Assistant as being arbitrary, illegal and violative of Article 14 and 30(1) of the Constitution of India and to consequently direct the 1st respondent to permit the petitioner to fill up the post of Secondary Grade Assistant and to grant such other relief or reliefs as this Hon'ble Court deems fit and proper in the circumstances of the case.

Counsel for the Petitioner: MR.K.RAM REDDY

Counsel for the Respondents: GP FOR EDUCATION

The Court made the following :

HONOURABLE SRI JUSTICE B.SESHASAYANA REDDY

WRIT PETITION No.1311 of 2005

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ORDER:

This writ petition is filed by the Aided Upper Primary School, Velgode, Kurnool District, represented by its Correspondent Ch.B.J.Raju, with a prayer to issue an appropriate writ, order or direction more particularly one in the nature of Writ of Mandamus, to declare the impugned action of the 1st respondent-District Educational Officer, Kurnool, in not granting permission to the petitioner institution to fill up the vacant post of Second Grade Assistant as being arbitrary, illegal and violative of Article 14 and 30(1) of the Constitution of India.

2. When the W.P.M.P.No.13118 of 2005 came up for hearing, both the parties consented for disposal of the writ petition itself. Hence, the Writ Petition is taken up for hearing and is being disposed of by this order.

3. The grievance of the petitioner-School is that the 1st respondent has not responded to its request to fill up the vacancy post in the welfare of minority students.

4. It appears that the Correspondent to the petitioner- School addressed a letter to the 1st respondent under R.C.No.3/04, dated 11-10-2004, seeking permission to fill up the vacancy posts and the 1st respondent in turn directed the Mandal Educational Officer, Velgode, to visit the petitioner- School and obtain the necessary particulars along with latest strength with attendance for classes 1 to 7 on caste-wise.

5. The report submitted by Mandal Educational Officer is not placed on record. In such a situation, I deem it appropriate to direct the 1st respondent to call for the report from the Mandal Educational Officer, Velgode, and pass appropriate orders on the representation of the petitioner made on 11-10-2004, within a period of four weeks, from the date of receipt of a copy of this order.

6. With the aforementioned directions, the writ petition is accordingly disposed of without any order as to costs.

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June 14, 2005

KVR

To

- 1 The District Educational officer, Kurnool.
- 2 The Regional Joint Director, School Education, Kadapa.
- 3 The Commissioner and Director of School, A.P., Hyderabad.

4 Two C.Ds to the GP for Educaton, High Court of AP
Buildings, High Court of AP, Hyderabad (O.U.T.)

5 Two C.D.Copies.